

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROSALIO ANGEL-ARRIAGA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 18-cv-01716-KAW

**ORDER TO SHOW CAUSE; ORDER  
CONTINUING HEARING DATE ON  
MOTION TO DISMISS**

Re: Dkt. No. 8

On January 31, 2018, Plaintiff Rosalio Angel-Arriaga filed a small claims case, asserting that her vehicle was damaged when Jose Corona Ceballos struck her vehicle on October 11, 2017. (Compl. ¶¶ 2-3, Dkt. No. 1-1.) On March 20, 2018, Defendant United States of America removed the action, certifying that Mr. Ceballos was acting within the course of his employment with the U.S. Department of Agriculture, and thus "[t]his is an action against a federal employee for actions taken in the scope of his employment." (Not. of Removal ¶ 5, Dkt. No. 1.)

On March 30, 2018, Defendant filed a motion to dismiss this case pursuant to Federal Rule of Civil Procedure 12(b)(1) based on Plaintiff's failure to file an administrative tort claim prior to filing suit. (Def.'s Mot. at 2, Dkt. No. 9.) Pursuant to Civil Local Rule 7-3, with an additional three days for mailing, Plaintiff's opposition was due on April 16, 2018. To date, Plaintiff has not filed an opposition.

Accordingly, by no later than **June 15, 2018**, the Court orders Plaintiff to (1) file a response to this order to show cause and explain why her case should not be dismissed for failure to prosecute, and (2) file an opposition, if warranted, to the motion to dismiss. The response to this order to show cause and the opposition should be filed as separate documents. To aid in her compliance with this order, Plaintiff may wish to contact the Federal Pro Bono Project's Help

1 Desk—a free service for pro se litigants— by calling (415) 782-8982 to make an appointment to  
2 obtain legal assistance from a licensed attorney.

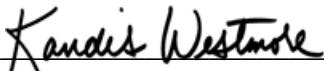
3 Failure to both timely respond to this order to show cause and file a timely opposition may  
4 result in the dismissal of this case for failure to prosecute. *See* Judge Westmore’s General  
5 Standing Order ¶ 22 (“The failure of the opposing party to file a memorandum of points and  
6 authorities in opposition to any motion shall constitute consent to the granting of the motion”).

7 Should Plaintiff timely file an opposition, Defendants are permitted to file their reply on or  
8 before June 22, 2018.

9 Additionally, the June 7, 2018 hearing on the motion to dismiss is continued to **July 5,**  
10 **2018** at the U.S. District Court, 1301 Clay Street, Oakland, California at 1:30 p.m.

11 IT IS SO ORDERED.

12 Dated: June 1, 2018

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14 KANDIS A. WESTMORE  
15 United States Magistrate Judge  
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